

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks.

Currently, claims 36-70, including independent claims 36, 54, and 67, are pending in the present application. Independent claim 36, for instance, is directed to an elastomeric article that comprises a substrate body, a chemical protection layer that overlies an outside surface of the substrate body, and an optional outer layer that overlies the chemical protection layer. The substrate body includes a layer made of at least one elastomeric block copolymer, such as a styrene-ethylene-butylene-styrene (S-EB-S) triblock copolymer. The chemical protection layer of the elastomeric article of claim 36 is formed from a polymeric material that consists essentially of at least one crosslinked, modified silicone elastomer. The crosslinked, modified silicone elastomer imparts relative chemical resistance to the elastomeric article.

In the Office Action, independent claims 36, 54, and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,792,531 to Littleton, et al. in view of U.S. Patent No. EP 0609387 to Nash. Littleton, et al. is directed to elastomeric, powder-free articles having improved donning characteristics. More particularly, Littleton, et al. describes an elastomeric article, such as a glove, that may include a substrate body made of a mid block saturated styrene block copolymer (such as an S-EB-S block copolymer). A donning layer also overlies at least one side of the substrate body that includes a chlorinated mid block unsaturated block copolymer, such as a chlorinated styrene-isoprene (SIS) block copolymer. (Col. 2, ll. 14-28). A surfactant layer may also overly the donning layer to aid in donning when the user's

body is either wet or dry.

As correctly noted in the Office Action, however, Littleton, et al. fails to teach various aspects of independent claims 36, 54, and 67. For example, Littleton, et al. fails to teach or suggest an elastomeric article or glove that includes the claimed chemical protection layer. Nevertheless, Littleton, et al. was combined with Nash in an attempt to render independent claims 36, 54, and 67 unpatentable. Nash is directed to a surgical glove having a textured outer surface. The surface is obtained from a dispersion that contains hydrophilic silica and a silicone elastomer. The hydrophilic silica has a particle size of about 2-10 microns, a specific surface area of about 75-200 m²/g, and a density so that the particles float in the elastomer and thereby migrate to the surface.

Applicants respectfully submit, however, that no motivation or suggestion would have existed to modify the references in the manner suggested in the Office Action. In fact, Littleton, et al. expressly teaches away from such a modification. For instance, Littleton, et al. describes several known techniques for enhancing donning, but notes that such techniques are "not fully satisfactory for use with gloves made of the synthetic S-EB-S block copolymers and some other materials of construction." (Col. 1, lines 55-59). One such technique involves the use of lubricating particles on the inner surface of the glove. Notably, the hydrophilic silica particles of Nash are similar in nature to the "lubricating particles" expressly taught away from by Littleton, et al..

Even absent such an express teaching away, however, one of ordinary skill in the art would still not have been motivated to make the proposed modification to Littleton, et al. The primary focus of Littleton, et al. is the development of a donning layer for synthetic elastomeric block copolymer substrates, such as S-EB-S (styrene-

ethylene-butylene-styrene) block copolymer substrates. (Col. 1, line 66 – Col. 2, line 13). Littleton, et al. thus developed a very specific donning layer for this substrate, one that contains a chlorinated mid block unsaturated styrene-isoprene (SIS) block copolymer. Littleton, et al. even specifies the preferred polystyrene end block content for the donning copolymers. (Col. 3, lines 40-67). In light of the above, there simply would have been no motivation for one of ordinary skill in the art to eliminate the donning layer expressly developed by Littleton, et al. for use with S-EB-S substrates in favor of the silicone elastomer of Nash. This is particularly evident in view of the fact that Nash does not even contemplate the same type of substrate required by Littleton, et al.

For at least the reasons set forth above, Applicants respectfully submit that no motivation would have existed to combine Littleton, et al. with Nash in the manner suggested in the Office Action. Rather, it appears that the only incentive or motivation for combining the references results *improperly* from using Applicants' disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings in the prior art. Applicants emphasize that a determination of obviousness cannot be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention.

As a final note, even if combined, the above-cited references still fail to disclose each limitation of independent claims 36, 54, and 67. For instance, neither reference contemplates a layer that provides relative chemical resistance to the elastomeric article. Instead, both the donning layer of Littleton, et al. and the textured layer of Nash are designed to improve donning of the glove. To accomplish the function of improved

donning, the layers of Littleton, et al. and Nash overlie the wearer-contacting or "inside" surface of the glove. Independent claims 36, 54, and 67, however, require that the claimed chemical protection layer overly the "outside" surface of the article. Thus, for at least the reasons set forth above, Applicants respectfully submit that independent claims 36, 54, and 67 patentably define over the above-cited references, taken singularly or in any proper combination.

Dependent claims 37-53, 55-66, and 68-70 were also rejected over a variety of references. Applicants respectfully submit that at least for the reasons indicated above relating to independent claims 36, 54, and 67, the dependent claims also patentably define over the cited references. The patentability of the dependent claims, however, certainly does not hinge on the patentability of independent claims 36, 54, and 67. In particular, some or all of dependent claims 37-53, 55-66, and 68-70 are believed to possess features that are independently patentable, regardless of the patentability of claims 36, 54, and 67.

In summary, Applicants respectfully submit that the present claims patentably define over the prior art of record for at least the reasons set forth above. As such, it is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Simone is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

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Respectfully requested,

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